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The collection agency thrives on the solicitation and advertising for business. The lawyer may not solicit or advertise. What this means is fully disclosed in the discussions in the two cases of *Matter of Schwarz*, 175 App. Div. 335, and *Matter of Schwarz*, 195 App. Div. 194. When the lawyer really begins to advertise as business men advertise to get business, he lowers himself and his profession. He impairs the fiduciary principle. If he is not to advertise or solicit directly, what shall we say then of the lay agency which does the advertising and makes the profit, utilizing the lawyer as a mere employe, selling his service without any direct responsibility between him and the client.

#### DUTY OF THE BAR TO SAFEGUARD THE COMMUNITY

It is for these reasons that the bar carries the responsibility of preventing the so-called practice of the law by corporations and laymen. It is no answer to say that not all lawyers are properly equipped, or that not all lawyers are men who observe the fiduciary principle. It is the duty of

the bar to see that lawyers are properly equipped and that all do observe the fiduciary principle. This duty, let it be frankly admitted, has not been fully performed by the bar. To meet this duty fully it is now organizing. It must take steps to see that a bar adequately trained, of moral character, performs the service to the community; but it must also perform the duty of safeguarding the community from those who have not even the present limited training required for admission to the bar, and it must also protect the community from itself treating the lawyer's services as a "jobber treats merchandise." When that happens, the lawyer as a professional man goes. But with him goes the *fiduciary principle*, so vital and so essential for the protection of the community in the relation between lawyer and client. The doctrine of *caveat emptor* will not give to the community the protection it must have in such a relationship. Only the highest and best standards will do. No others will suffice. The layman is not able to protect himself. The community must do it for him.

## A Selected Bibliography on Legal Ethics

*Ethics of the Legal Profession*, by Orrin N. Carter, Judge of the Supreme Court of Illinois. Pp. 116. Chicago: Northwestern University Press, 1915.

A most illuminating compendium of the subject, with an introduction by Professor John E. Wigmore. Contains profuse citations and an extensive bibliography; also, the Canons of Ethics of the American Bar Association.

*Cases and Other Authorities on Legal Ethics*, by George P. Costigan, Jr., Professor of Law in Northwestern University. Pp. 616. St. Paul: West Publishing Company, 1917.

This is one of the West Publishing Company's Case Book Series, published under

the editorship of Professor Wm. R. Vance of the Yale Law School. Beside leading cases on the conduct of lawyers adjudicated in the courts, there is included the Canons of Ethics of the American Bar Association and also those of the Boston Bar Association; also, the classic Fifty Resolutions of David Hoffman and many of the answers to questions on legal ethics propounded to the Committee on Professional Ethics of the New York County Lawyers' Association. Quotations from the published opinions of many lawyers on various questions of legal ethics are also given.

*Ethics in Service*, by William H. Taft, Chief Justice of the United States. Pp. 101. New Haven: Yale University Press, 1915.

This is a series of lectures given at Yale University under the provision of the Page Foundation. In the first two lectures, "History of the Profession of Law" and "Legal Ethics," the practising lawyer will find many pertinent suggestions.

*A Course of Legal Study*, by David Hoffman, 2 Vol. 2d ed., Baltimore, 1836.

In this book were first published the memorable "Resolutions" formulated by Hoffman for the assistance of the young practitioner. They have become a classic in the literature of the law and an authority in the study of legal ethics. They are given in the Appendix of Costigan's book cited above.

*Essay on Judicature*, by Sir Francis Bacon. Bacon's "Works," Vol. 1.

Blackstone's *Commentaries on the Laws of England*. Chicago: Bancroft edition, 1915-16.

*Law: Its Origin, Growth and Function*, by James C. Carter. New York: Putnam, 1907.

*Laws and Jurisprudence of England and America*, by John F. Dillon. Boston: Little, 1895.

*American Lawyer*, by John R. Dos Passos. New York: Banks, 1907.

*Nature and Sources of the Law*, by J. C. Gray. New York: Lemcke, 1909.

*Lawyer in Literature*, by J. M. Gest. Boston: Boston Book Company, 1913.

*Collected Legal Papers*, Oliver Wendell Holmes, "The Common Law." New York: Harcourt, 1920.

*Law of Attorneys, Solicitors and Agents*, by Robert Maughm. London, 1839.

*Field of Ethics*, by G. H. Palmer. Boston: Houghton Mifflin, 1901.

*Orations and Essays*, by E. J. Phelps. New York: Harper, 1901, p. 106.

*History of English Law*, by F. Pollock and F. Maitland, 2d. ed. 2 Vol. Boston: Little, 1895. Vol. I, p. 194.

*Treatise on Equity Jurisprudence*, by J. N. Pomeroy, 3d. ed. Chicago: Bancroft, 1905. Sec. 960.

*Treatise on American Advocacy*, by A. H. Robbins, 2d. ed. Central Law Journal, 1913.

*Essay on Professional Ethics*, by George Sharswood, 5th ed. Philadelphia: T. and J. W. Johnson, 1907.

*Treatise on Attorneys at Law*, by Edward Mark Thornton, 2 Vol. New York: Thompson, 1914.

*Essays in Legal Ethics*, by George W. Warvelle, 2d. ed. Chicago: Calahan, 1920.

*Treatise on Attorneys and Counselors-at-Law*, by E. P. Weeks, 2d. ed. Chicago: Bancroft, 1892. Sec. 14.

*Memoirs of the Life, Character and Writings of Sir Mathew Hale*, by J. B. Williams. London, 1835. P. 197.

*Lawyer's Official Oath and Office*, by J. H. Benton. Boston: Boston Book Company, 1909.

*Hints on Advocacy*, by Richard Harris, 14th ed. Boston: Little, 1911.

*A Book About Lawyers*, by John Cordy Jeaffreson. London: Hurst and Blackett, 1867.

*A Philadelphia Lawyer in the London Courts*, by Thomas Leaming. New York: Holt, 1911.

*Barrister-at-Law: An Essay on the Legal Position of Counsel in England*, by James R. V. Marchant. London: William Clowes and Sons, Ltd., 1905.

*Day in Court*, by Francis L. Wellman. New York: Macmillan, 1910.

*Conduct of Lawsuits Out of and In Court*, by John C. Reed, 2d. ed. Boston: Little, 1912.

*Facts as Subjects of Inquiry by Jury*, by James Ram, 4th ed. New York: Baker, 1890.

Gibbon's *Rome, Decline and Fall*. Vol. 2, chap. 17.

In addition to this list of larger works dealing with the subject of "Legal Ethics" is appended the following list of articles and addresses on the subject printed in legal and other publications.

#### ARTICLES AND ADDRESSES DEALING WITH THE SUBJECT OF LEGAL ETHICS

"A Code of Legal Ethics," by Charles A. Boston, published in *The Green Bag*, May, 1908.

"Legal Ethics," an address delivered by Charles A. Boston before the Commercial Law League of America, *Bulletin* of the League, September, 1913, and reprinted, *American Legal News*, Vol. 24, No. 8, August, 1913, p. 15.

"The Lawyer's Conscience and Public Service," by Charles A. Boston, *Atlantic Monthly*, September, 1914.

Publication by Albany Law School of addresses made since the endowment in 1902 of a Chair of Legal Ethics. Published semi-annually.

Reports of the Committee on Ethics of the American Bar Association during the years 1905 to 1908, published in the annual reports of the Association.

"The Moral, Social and Professional Duties of Attorneys," an address delivered by Samuel Warren before the Incorporated Law Society of England. English editions 1848 and 1852, four lectures. American edition, Albany, 1870.

"Proposed Ethical Code," published in *Bench and Bar*, Vol. 14, No. 3, September, 1908: p. 89.

"The Code of Ethics and its Enforcement," by Alexander H. Robbins, the *Central Law Journal*, Vol. 75, No. 23: p. 419.

"Correcting Abuses in the Bankruptcy Practices," by J. Howard Reber, the *Bulletin* of the Commercial Law League of America, Vol. 17, February, 1912: p. 2.

"The French Bar" by Paul Fuller, *Yale Law Journal*, Vol. 16, No. 7, May, 1907: p. 447.

"The Legal Ethics Clinic of the New York County Lawyers' Association," pub-

lished in the *Illinois Law Review*, Vol. 7, No. 9, April, 1913: p. 554.

"An Interesting Ethical Tribunal," published in *Bench and Bar*, new series, Vol. 9, No. 8, 1914: p. 333.

"The Illegal Practice of the Law versus the Unprofessional Practice of the Law," and "Coöperation versus Solicitation in Bankruptcy," by Julius Henry Cohen, *American Law News*, Vol. 23, No. 11, November, 1912: p. 3; and Vol. 23, No. 12, December, 1912: p. 11.

"Some Problems of Legal Ethics," by Thomas Patterson, *Case and Comment*, Vol. 24, No. 8, January, 1918: p. 603.

"Unlawful Practice of the Law," and "Ethics," published in *Bulletin* of the Commercial Law League of America, Vol. 27, No. 1, January, 1912: p. 28; p. 32.

"The French Code of Ethics," the *Green Bag*, Vol. 23, No. 1, January, 1911: p. 16.

"The Growing Disrespect for Lawyers," by Julius Henry Cohen, *Bulletin* of the Commercial Law League of America, Vol. 17, February, 1912: p. 3.

"New York State Association of Trust Companies and Banks in Their Fiduciary Capacity," the report of the Committee on Relations of Trust Departments of Trust Companies and Banks with the Legal Profession, February 25, 1921.